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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,052	01/05/2001	Jun Liu	MS1-711US	4697
22801	7590	04/06/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LIANG, GWEN	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/756,052	<b>Applicant(s)</b> LIU ET AL.	
	<b>Examiner</b> GWEN LIANG	<b>Art Unit</b> 2162	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,8,9,11,12,15,21,23,25-30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8,9,11,12,15,21,23,25-30,32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications through the applicant's amendment, filed on 03/01/2005 and Request for Continued Examination (RCE) filed on 3/10/2005.

#### ***Claim Objections***

2. Claims 1, 2, 4, 5, 25, 8, 9, 11, 12, 26, 15, 27, 21, 23, 28, 29, 30, 32, 33 are objected to because of the following informalities:

Regarding independent claims 1, 8, 15, 21, 29, in the compressing step, the examiner suggests replacing the claim language "processed image of the processed images " with " processed image" to clarify confusion of the claimed subject matter.

Regarding independent claims 1, 8, 15, 21, 29, in the deriving step, the examiner suggests replacing the claim language "a unique identifier of the unique identifiers" with "a unique identifier" to clarify confusion of the claimed subject matter.

Regarding independent claims 1, 8, in the deriving step, the examiner suggests replacing the claim language "the unique identifier being derived as a function of a portion of the one processed image" with "the unique identifier being derived from a portion of the one processed image" to clarify confusion of the claimed subject matter, and to claim the invention within the scope of the applicant's written description, page 14, lines 11-12, "The unique identifier can be derived from a portion of the compressed image, for example." In the dictionary (Microsoft Computer Dictionary, 5<sup>th</sup> Edition), the definition of a function is "The purpose of, or the action carried out by". The other dictionary (Oxford) gives an example of the use of "function" as "the function of the heart" illustrates the usage and meaning of "function". The applicant's written

description (page 14, lines 11-12 above) does not disclose that a portion of the one processed image carries out an action.

### ***Response to Arguments***

3. Applicant's arguments, see pages 12-13, section "Non-Statutory Claim Objections", filed 3/1/2005, with respect to claims 1 and 15 have been fully considered and are persuasive. The objection of independent claims 1 and 15, together with the corresponding dependent claims 2, 4, 5, 25, and 27 have been withdrawn.

4. Applicant's arguments, see pages 13-16, sections "Claim Rejections Under 35 USC 112" and "Claim Rejections Under 35 USC 112, Second Paragraph", filed on 3/1/2005, with respect to claims 1, 8, 15, 21, and 29, together with the corresponding dependent claims have been fully considered and are withdrawn in view of the applicant's remarks. However the examiner now objects to these claims. To test the clarity of the objected claim language, the examiner has shown these claims to two other examiners in the same art. Each of them had a different interpretation of the meaning of the claimed subject matter. As stated in the applicant's remarks, page 14, the second paragraph, "To satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention..." The claim language of claims 1, 8, 15, 21, and 29 needs to be improved as suggested by the examiner in the claim objections above to convey with reasonable clarity to those skilled in the art. When a parent claim is rejected or objected, all the dependent claims are objected or rejected accordingly.

Art Unit: 2162

5. Applicant's arguments regarding that Hollingsworth is completely silent on deriving CDNs (Content Derived Names) from a "portion" of anything (page 18), that Hollingsworth does not teach or suggest creating a CDN out of part or share of something larger (page 18) and that nowhere does Hollingsworth teach or suggest that "contents of a file" is anything less than all contents of a file (page 19) have been fully considered but they are not persuasive. Based on the applicant's remarks filed on 7/15/2004, page 15, 'By definition, "a portion" means **less than or equal to a whole**', the applicant defined "a portion" to be less than or equal to a whole. Accordingly, the examiner maintains that the Hollingsworth does teach deriving a unique identifier from a "portion" of one processed image since the Content-Derived Name is derived from the contents of a package, wherein "the contents" are considered to be always a "portion" of all the contents of a package no matter whether "the contents" are less or equal to the whole, based on the applicant's own definition of "a portion" given in the applicant's remarks filed on 7/15/2004.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart ("Netware Mobile extends network to

Art Unit: 2162

off-line users”), further in view of Spanbauer (“Happy 2000-or 1900!. Qwerty versus Dvorak. Stop a hard disk from churning”), further in view of Suzuki et al, “Suzuki”, (EP Patent No. 1,150,207), and further in view of Hollingsworth et al, “Hollingsworth”, (“Binary Version Management for Computational Grids”).

With respect to claim 1, Stuart discloses a method ...comprising:

assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups (See for example: col. 3 – col. 4, wherein administrators can create file groups consisting of commonly shared files which users can download in one shot); and

selectively sending parts of files that have changed from the source device to the client device (See col.1 – col. 2, wherein users have the option of only updating parts of files that have changed).

However Stuart does not explicitly teach a method comprising generating processed images and a listing of unique identifiers by compressing together data files assigned to the downloadable file group..., deriving a unique identifier, storing the processed images and the listing ..., comparing the listing of unique identifiers ... and selectively sending processed images ...

Spanbauer teaches a method that for each downloadable file group: compressing together data files assigned to the downloadable file group to form one processed image of the processed images (See for example: page 2 paragraph 12 – page 3 paragraph 1, wherein as collection of files are compressed into one or more

Art Unit: 2162

archive files, it is obvious that these archive files are processed images each contain files compressed into a group corresponding to an archive file);

deriving a unique identifier of the unique identifiers for the one processed image (See for example: page 2 paragraph 12 – page 3 paragraph 1, wherein it is obvious that each archive filename is a derived unique identifier of one processed image which consists of many compressed files whose filenames are also unique identifiers).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to compress data files to form one processed image as disclosed by Spanbauer for the files assigned to a group as taught in Stuart to speed and simplify downloading (See for example: page 3 paragraph 1). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

However the combination of Stuart and Spanbauer does not explicitly teach a method comprising deriving a unique identifier as a function of a portion of the one processed image; generating a listing of unique identifiers, storing the processed images and the listing ..., comparing the listing of unique identifiers ... and selectively sending processed images ...

Suzuki teaches a method comprising:

generating a listing of unique identifiers; and storing the processed images and the listing of unique identifiers within a source device (See for example: col. 1 lines 48-57, wherein the files stored on the server side and will eventually be stored in to the

Art Unit: 2162

client are equivalent to the processed images and the update list containing version specific information illustrate a listing of unique identifiers being generated);

comparing the listing of unique identifiers with a current listing of unique identifiers of a client device (See for example: col. 2 lines 10-34, wherein the file specifying part specifies the files to obtain in the latest condition by comparing the local update list with the update list sent from the server site); and

selectively sending processed images from the source device whose unique identifiers appear in the listing of unique identifiers but not in the current listing of unique identifiers in the client device (See for example: col. 2 lines 10-34, wherein the file specifying part selects the files to obtain in the latest condition by comparing the local update list with the update list sent from the server site and by requesting the selected files from the server, the server transfers the selected files to the client).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the steps of generating ..., storing ..., comparing ... and selectively sending ... as disclosed by Suzuki into the file downloading and updating method as disclosed in the combination of Stuart and Spanbauer in order to provide a client-server system in which software is automatically updated (See for example: col. 1 lines 40-42). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

However the combination of Stuart, Spanbauer, and Suzuki does not explicitly teach a method comprising deriving a unique identifier as a function of a portion of the one processed image.



Hollingsworth teaches a method comprising deriving a unique identifier as a function of a portion of the one processed image (See for example: pages 3-4 section "3. Content Naming Explained", particularly page 4 lines 2-6, "A CDN provides all of its benefits by converting a package name from a name and version number meaningful to a developer into a Content-Derived Name that can be used to check library integrity and support secure remote retrieval. Since this name is probabilistically guaranteed not to conflict with other library names, it may be shared between different computers without fear of name duplication", since the Content-Derived Name is derived from the content of the package, which is equivalent to a processed image, it is obvious that it is derived from a portion of the package).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the content-derived name as disclosed by Hollingsworth as a unique identifier for the processed image as disclosed in the combination of Stuart, Spanbauer, and Suzuki. By assigning Content-Derived Names, it is guaranteed that each version of each package has a unique name (page 4 section 4.1, lines 5-6) and one of the best features of the CDN systems is that it permits automatic downloading of missing software components (page 5 section 4.2 lines 1-2). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Suzuki teaches a method wherein the source device includes at least one server device (See for example: title).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Stuart teaches a method wherein assigning data files to downloadable file groups further includes assigning a plurality of related function data files to one downloadable file groups (See for example: col. 3 – col. 4).

Claim 5 is rejected on grounds corresponding to the reasons given above for claim 1 and furthermore Suzuki discloses a method comprising sending the processed image and the listing of unique identifiers to a client device that stores the processed image and the listing of unique identifiers in a persistent memory (See for example: col. 1 lines 48-57).

Claim 25 is rejected on grounds corresponding to the reasons given above for claim 1 and furthermore Spanbauer discloses a method wherein the one processed image for the downloadable file group has a ".cim" extension (See for example: page 2 paragraph 12 – page 3 paragraph 1, wherein it is obvious that each archive file is identified by a unique file name and a file extension selected for use is just a design choice and therefore does not have any patentable weight).

Claims 8-9, 11, 12 and 26 are rejected on grounds corresponding to the reasons given above for claims 1, 2, 4, 5 and 25.

Claims 15 and 27 are rejected on grounds corresponding to the reasons given above for claims 1 and 25.

Claim 21 is rejected on grounds corresponding to the reasons given above for claim 1, and furthermore Stuart teaches a network (See Title).

Claims 23 and 28 are rejected on grounds corresponding to the reasons given above for claims 4 and 25.

Claims 29, 30, 32, 33 are rejected on grounds corresponding to the reasons given above for claims 1, 2, 4, 5.

***Continued Examination Under 37 CFR 1.114***

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWEN LIANG whose telephone number is 571-272-4038. The examiner can normally be reached on 12:00 P.M. - 8:30 P.M. Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G.L.  
21 March 2005

  
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